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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,841	07/20/2001	Hiroji Saito	9683/87	3103
757 7590 10/31/2007 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			EXAMINER BHATTACHARYA, SAM	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/889,841

**Applicant(s)**

SAITO ET AL.

**Examiner**

Sam Bhattacharya

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasaki et al. (JP 10200493 A) in view of Pihl et al. (US 6,625,458).

Regarding claims 18, 24 and 31, Iwasaki discloses an information delivery system comprising: a database that stores a first content item having a high frequency of requests and a second content item having a lower frequency of requests (page 21, paragraph 59, lines 1-6); a broadcast station that broadcasts the first content item by utilizing broadcast waves (page 26, paragraph 77, lines 1-3 and page 23, paragraph 67, lines 1-3); a mobile communication terminal served by a mobile communication network (page 23 paragraph 69, lines 1-9); and a delivery management server that determines whether a requested content item comprises the first content item or the second content item stored in the database, and when the requested content item comprises the first content item, transmits only related information of the requested content item to the mobile communication terminal, and when the requested content item comprises the second content item, transmits at least the requested content item to the mobile communication terminal (page 23, paragraph 68, lines 1-7 and page 23, paragraph 69, lines 1-9).

Iwasaki fails to disclose that the delivery management server responds to a request for delivering information received from the mobile communication terminal. However, this feature

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is taught by Pihl at col. 5, lines 27-45. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Iwasaki by incorporating this teaching in Pihl for the purpose of allowing a user to have control over specifying a desired destination for the message.

Regarding claim 19, Iwasaki discloses that the delivery management server transmits a decryption key for the first content item as related information when the requested content item comprises the first content item without transmitting the first content item. See page 24, paragraph 70, lines 6-8, page 21, paragraph 59, lines 1-6.

Regarding claim 20, Iwasaki discloses that the delivery management server transmits the requested content item and related information of the requested content item when the requested content item comprises the second content item. See page 26, paragraph 77, lines 1-3.

Regarding claim 21, Iwasaki discloses that the delivery management server transmits a decryption key for the second content item as the related information of the requested content item. See page 23, paragraph 67, lines 1-3.

Regarding claim 22, Iwasaki discloses that the first content item comprises a song of a first song type and wherein the delivery management server transmits a decryption key for the song of first song type as the related information, the decryption key to be received by the mobile communication terminal and used by the mobile communication terminal to decrypt the song of the first song type broadcast by the broadcast station. See page 22, paragraph 66, lines 5-12)

Regarding claim 23, Iwasaki discloses that the second content item comprises a song of a second song type and wherein the delivery management server transmits a decryption key for the song of the second song type and the song of the second song type, the song of the second type

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to be received by the mobile communication terminal and the decryption key to be used by the mobile communication terminal to decrypt the song of the second song type. See page 24, paragraph 70, lines 6-8.

Regarding claim 25, Iwasaki discloses that the radio circuitry comprises: a wireless communication unit to transmit the request and to receive the related information, and a tuner to receive broadcast waves of a broadcast of the first content item. See page 26, paragraph 77, lines 1-5.

Regarding claim 26, Iwasaki discloses that the wireless communication circuit is operative to receive a decryption key for the first content item as the related information when the requested content item comprises the first content item, the decryption key for decrypting the first content item received by the tuner. See page 21, paragraph 59, lines 1-6.

Regarding claim 27, Iwasaki discloses that the user interface is further operative to be actuated by the user to select a network address of a destination to which the selected information is to be delivered. See page 26, paragraph 77, lines 1-8.

Regarding claim 28, Iwasaki discloses that the radio circuitry is operative to transmit a request signal which includes identification information for the mobile communication terminal and information about the information is to be delivered selected by the user. See page 23, paragraph 68, lines 1-7.

Regarding claim 29, Iwasaki discloses that the radio circuitry is operative to transmit a request signal which further includes an address of a delivery management server. See page 23, paragraph 68, lines 1-7.

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Regarding claim 30, Iwasaki discloses a user interface operative to prompt a user to select information to be delivered and to be actuated by the user to select the information to be delivered to the mobile communication terminal. See page 23, paragraph 68, lines 1-7.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917.

The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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